

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5408 of 2007()

CRIME NO.404 OF 2007 OF TANUR POLICE STATION

: PETITIONERS/ACCUSED 1 & 2

1. SURESH,S/O. SUDHAKARAN,AGED 22 YEARS,
CHAKKALAKKAL HOUSE, TANNALUR AMSOM,
PAKARA DESOM, TANUR, MALAPPURAM DISTRICT.
2. SATHEESAN, PULICKAL HOUSE,
TANNALUR AMSOM,PAKARA DESOM,
TANUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.5408 of 2007

Dated this the 17th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 and 2. Altogether there are only 2 accused persons. It is alleged that the petitioners had committed the offence punishable, inter alia, under Sections 452 and 324 I.P.C. The crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. In fact, there was a dispute between the neighbours on account of the leaning of an arecanut tree in the property. That had led to allegations and counter allegations. Exaggerated allegations are being raised consequent to the strain in the relationship between the parties. The petitioners may be saved of the trauma of undeserved arrest and incarceration in prison. The petitioners shall comply with all reasonable conditions imposed, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application. He only prays that appropriate conditions may be imposed. No recovery is to be effected, it is pointed out, the stick involved in the incident having allegedly been recovered already.

4. Having considered all the relevant inputs, I am satisfied that anticipatory bail can be granted to the petitioners.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 24.09.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 25.09.07 and 26.09.07 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 24.09.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 24.09.07.

(R.BASANT, JUDGE)

rtr/-

